

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am: ☐ The party requesting the extension.
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (*you **must** also complete the Declaration on page 3*)
- ☐ Motion to proceed in forma pauperis
- ☐ Motion for a certificate of appealability
- ☐ Response/opposition to a pending motion
- ☐ Reply to a response/opposition to a pending motion
- ☐ Certified Administrative Record
- ☐ Response to court order dated
- ☐ Other (*you **must** describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):

(attach additional pages if necessary)

This is an appeal after a jury verdict and presents complicated legal issues. The issues include the application of the Bruen decision and Second Amendment rights to the possession of a machinegun, as well as statutory interpretation issues regarding 18 U.S.C. § 922(o)(2)(A). Additional issues involve instructional error that defendant contends directed a verdict for the government, violating his rights under the Sixth Amendment. The brief is lengthy and counsel are editing to bring the brief within the page and word limits allowed.

Signature **Date**

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8

Complete this section for criminal or immigration cases.

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☐ I have **NOT** filed a previous request to extend time to file the document.
- ☒ I have previously requested an extension of time to file the document.

This motion is my request.

(Examples: first, second)

Bail/detention status (*select one*):

- ☒ The defendant is incarcerated. The projected release date is: .
- ☐ The petitioner is detained.
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)
Complete this section if you are requesting an extension of time to file a brief.

1. I request an extension of time to file the brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

Michael Benson will be lead counsel, and I am assisting for his first Ninth Circuit appeal. I recently filed a petition for rehearing in another matter, and I also received a 167 page Opinion and Order in a former capital habeas matter that has required me to analyze the issues and travel to consult with the client.

5. The position of the other party/parties regarding this request is:

☒ Unopposed.

☐ Opposed by *(name of party/parties opposing this motion):*

☐ Unknown. I am unable to verify the position of the other party/parties because:

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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